

REMARKS/ARGUMENTS

Claims 1-11, 13, and 14 are pending in this application. By this Amendment, Applicants amend Claims 1-11, 13, and 14, and cancel Claim 12.

Applicants note that the Examiner has again failed to list U.S. Patent No. 5,259,498 (Weisburn et al.) and U.S. Patent No. 6,438,638 (Jones et al.), which have been used in prior art rejections of the claims of the present application, on any Notice of References Cited (PTO-892). Accordingly, as in the Amendment filed on December 1, 2005, Applicants respectfully request that the Examiner provide a Notice of References Cited (PTO-892) which lists these two references, so as to ensure that these references are listed on the front of any patent which eventually issues from the present application.

Claims 1, 5, 7-9, and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Francis et al. (U.S. 5,011,010). Claims 2-4, 6, and 10-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Francis et al. in view of Nakayama (U.S. 6,413,630) and Jones et al. (U.S. 6,438,638). Claim 12 has been canceled. Applicants respectfully traverse the rejections of Claims 1-11, 13, and 14.

Claim 1 has been amended to recite:

A card-like computer peripheral device, comprising:
a sheet member including a draw-processed sheet member treated with coloring or marking; and
a transparent or translucent cover case; wherein
the sheet member includes an upper portion and three side portions;
each of the upper portion and the three side portions of the sheet member is connected to one another by rounded joint portions;
the sheet member is fitted into the cover case such that the sheet member extends in close contact with an inner surface of the cover case;
the sheet member is a three-dimensional member;
each of the three side portions extends substantially perpendicularly downward from the upper portion; and
the rounded joint portions connect the three side portions to the upper portion. (emphasis added)

Applicants' Claim 8 recites features that are similar to the features recited in Applicants' Claim 1, including the above-emphasized features.

Applicants' Claim 1 has been amended to recite the features of "[a] card-like computer peripheral device," "the sheet member is a three-dimensional member," "each of the three side portions extends substantially perpendicularly downward from the upper portion," and "the rounded joint portions connect the three side portions to the upper portion." Applicants' Claim 8 has been similarly amended. Support for the amendments to Claims 1 and 8 is found, for example, in Figs. 1B-1D of the originally filed application.

First, Francis et al. is directed to a compact disc container. Francis et al. fails to teach or suggest any card-like computer peripheral device, or that the container of Francis et al. could or should be used as a component of a card-like computer peripheral device. In fact, the compact disc container of Francis et al. is completely unsuitable for use as a component of a card-like computer peripheral device. Thus, Francis et al. clearly fails to teach or suggest the feature of "[a] card-like computer peripheral device" as recited in Applicants' Claim 1, and similarly in Applicants' Claim 8.

Second, as clearly seen in Fig. 5 of Francis et al., the printed insert of Francis et al., which the Examiner alleged corresponds to the sheet member recited in Applicants' claims 1 and 8, is a **two-dimensional, flat sheet** that is inserted into the slot 50, and does **NOT** include any portions that extend substantially perpendicularly downward from an upper portion, and certainly does not include any rounded portions which connect the downward extending portions to the upper portion. Thus, Francis et al. clearly fails to teach or suggest the features of "the sheet member is a **three-dimensional member**," "each of the three side portions extends substantially perpendicularly downward from the upper portion," and "the rounded joint portions connect the three side portions to the upper portion" as recited in Applicants' Claims 1 and 8.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by Francis et al.

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The Examiner relied upon Nakayama and Jones et al. to allegedly cure deficiencies of Francis et al. However, Nakayama and Jones et al. clearly fail to teach or suggest the features of "[a] card-like computer peripheral device," "the sheet member is a three-dimensional member," "each of the three side portions extends substantially perpendicularly downward from the upper portion," and "the rounded joint portions connect the three side portions to the upper portion" as recited in Applicants' Claims 1 and 8. Thus, Applicants respectfully submit that Nakayama and Jones et al. fail to cure the deficiencies of Francis et al. described above.

Accordingly, Applicants respectfully submit that Francis et al., Nakayama and Jones et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicants' Claims 1 and 8.

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claims 1 and 8 are allowable. Claims 2-7 and 9-11, 13, and 14 depend upon Claims 1 and 8, and are therefore allowable for at least the reasons that Claims 1 and 8 are allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicants petition the Commissioner for a ONE-month extension of time, extending to May 24, 2006, the period for response to the Office Action dated January 24, 2006.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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